HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION Nos.8218 OF 2005,

8224 OF 2005 & 8225 OF 2005

Dated 22-11-2005

WRIT PETITION No.8218 OF 2005:

Between :

1. G.V. Krishna Reddy, son of Sri Konda Reddy, aged about 39 years, Occupation: Service, resident of B-11, BDL Township Bhanur (v) Medak Dist., and another.

Petitioners.

And:

Serilingampally Municipality, represented by its Commissioner, Serilingampally (v&m) Ranga Reddy District.

…Respondent.

WRIT PETITION No. 8224 OF 2005

Between :

1. M. B. Jayaram Reddy, son of Late. Chinna Yella Reddy aged about 38 years, Occupation : Service resident of A-717, BDL Town Ship Bhanur (v) Medak Dist., and another.

Petitioners.

And:

Serilingampally Municipality, represented by its Commissioner, Serilingampally (v&m) Ranga Reddy District.

…Respondents.

WRIT PETITION No. 8225 OF 2005

Between :

G.Govardhan Reddy, son of Late. Ram, Reddy, aged about 43 years, Occupation : Service, resident of A-200, BDL Township Bhanur (v) Medak Dist.,

Petitioner.

And:

Serilingampally Municipality, represented by its Commissioner, Serilingampally (v&m) Ranga Reddy District.

…Respondent.

COMMON ORDER :

These writ petitions are filed assailing the notice issued by the respondent-Municipality directing them to remove the constructions in open plots comprising S.No.23, which are meant for park.

2. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondent.

3. Since the issue involved in all the writ petition is one and the same, they are heard together and are being disposed of by this common order.

4. According to the respondent-Municipality, the open plots in possession of the petitioners are ear-marked for public park, which fall in S.No.23. Whereas it is the case of the writ petitioners that the plots in their possession fall in S.No.69.

5. The learned counsel for the petitioners submits that the petitioners have filed suits for injunction claiming that the open plots claimed by them fall in S.No.69. The suits filed by them being O.S.Nos.73 and 74 of 2005 on the file of the Principal Junior Civil Judge, West and South, Ranga Reddy District, at L.B.Nagar are pending trial. It is well settled that the boundary dispute between the parties cannot be the subject matter of the writ petition and remedy of Civil Court cannot be replaced by invoking jurisdiction under Article 226 of the Constitution of India. Since there is a serious boundary dispute between the parties, it requires to be resolved in a civil

suit. The petitioners have already approached the Civil Court by filing civil suits except the petitioner in Writ Petition No.8225 of 2005.

6. The learned counsel for the petitioners submit that the petitioner in W.P.No.8225 of 2005 also opts to approach the Civil Court for necessary reliefs.

7. In that view of the matter, these writ petitions are disposed of giving liberty to the petitioners to get the boundary dispute resolved in the Civil Court. Both parties are directed not to put up constructions until termination of the proceedings in Civil Court. It goes without saying that the respondent also can not take further steps with regard to demolition of existing structures. No order as to costs.

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Justice B.SESHASAYANA REDDY

Date : 22-11-2005.

Dvs

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